

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
CHEVRON CORPORATION,

Plaintiff,

-against-

11 Civ. 0691 (LAK)

STEVEN DONZIGER, et al.,

Defendants.

-----X

**SPECIAL MASTERS' INTERIM REPORT NO. 1**

Pursuant to Paragraph 2(e) of the Court's Order of appointment dated March 26, 2013, ECF No. 942, we hereby issue our first Interim Report, dealing with the depositions to be held at the United States Embassy in Lima, Peru.

By email dated Sunday, April 28, 2013, Mr. Veselka, counsel for defendants Camacho and Piaguaje, wrote to Mr. Weitzman, counsel for Chevron, to inform Mr. Weitzman that defendants planned to withdraw their notices of deposition for the following witnesses: Messrs. Guerrero, Racines, Campuzano, Carvajal, and Cuirpoma, whose depositions were noticed by defendants, and Ms. Centeno, whose deposition was cross-noticed. Mr. Weitzman forwarded that email to us on that same date, and requested that we convene a conference call the following day to address several issues, including primarily scheduling issues, that arose as a result of Mr. Veselka's April 28 email.

We held a conference call with the parties on April 29, 2013; the relevant portions of the transcript of that call are attached hereto as Exhibit A. During the call, Mr. Veselka

confirmed that defendants had indeed withdrawn their deposition notices with respect to the above-referenced witnesses:

MR. VESELKA: . . . We were advising [Chevron] that we were going to withdraw our notice and all our withdrawals will get filed today.

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SPECIAL MASTER KATZ: So with the understanding that it now appears from what I can see that we have the two defendants to be deposed, Mr. Reyes and if he shows up Mr. Zambrano, correct?

MR. VESELKA: Which we hope to be able to confirm something as soon as possible.

SPECIAL MASTER KATZ: Well, we will talk about that. So am I correct those are the only depositions people intend to go forward with in Lima?

MR. VESELKA: That is my understanding, yes, sir, on behalf of Camacho and Payaguaje, yes, sir.

MR. MASTRO: Yes.

4/29/13 Conf. Call Tr. at 9:3-6, 16:5-21. During that same call, Mr. Mastro, on behalf of Chevron, confirmed that Chevron would not seek to depose Ms. Centeno if she was not going to appear to be deposed by defendants. See id. at 5:21-24 (“we simply wanted to preserve our rights to cross-examine her if she did appear”).

The depositions of Messrs. Reyes, Camacho and Piaguaje—and, if he appears, Mr. Zambrano—will be taken at the Embassy in Lima during the week of May 13.

Respectfully submitted,

/s/ Theodore H. Katz  
Theodore H. Katz, Special Master

/s/ Max Gitter  
Max Gitter, Special Master

Dated: May 10, 2013  
New York, New York

**Exhibit A**

Page 1

1  
2 UNITED STATES DISTRICT COURT  
3 SOUTHERN DISTRICT OF NEW YORK  
4 11 CIV 0691 (LAK)

5 - - - - -x

6 In re:

7 APPLICATION OF CHEVRON

8 - - - - -x

9  
10 Via Teleconference  
11 New York, New York

12  
13 April 29, 2013  
14 2:40 p.m.

15  
16 TRANSCRIPT OF PROCEEDINGS  
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A P P E A R A N C E S:

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JAROD STEWART, ESQ.

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A P P E A R A N C E S: (Continued)

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Attorneys for Defendants

Javier Piaguaje Payaguaje,

Hugo Gerardo and Camacho Naranjo

By: JULIO C. GOMEZ, ESQ.

ALSO PRESENT:

HON. THEODORE H. KATZ (Ret.),

Special Master

MAX GITTER, ESQ., Special Master

JUSTIN ORMAND, ESQ., Assistant to

Special Master

## 1 Transcript of Proceedings

2 Honors, we sent a notice of an  
3 intention to depose her. I think that  
4 Mr. Veselka will be able to tell us.  
5 It's their witness. She works for  
6 Selda Viva.

7 MR. VESELKA: No, she doesn't.

8 MR. MASTRO: She doesn't work  
9 for Selda Viva anymore?

10 MR. VESELKA: She hasn't for  
11 years. The person is not working  
12 there. We have trouble getting in  
13 touch with her. We have not been able  
14 to confirm her willingness to appear.  
15 We are trying to get in touch with  
16 her, trying to find out. We haven't  
17 been able to confirm it. That is why  
18 we cancelled, that is one of the  
19 reasons why we cancelled because we  
20 couldn't confirm it.

21 MR. MASTRO: In any event, we  
22 simply wanted to preserve our rights  
23 to cross-examine her if she did  
24 appear, but if she's not going to  
25 appear -- We don't want to be in a

1                    Transcript of Proceedings  
2                    and be efficient with the time in  
3                    Lima. We were advising them that we  
4                    were going to withdraw our notice and  
5                    all our withdrawals will get filed  
6                    today.

7                    SPECIAL MASTER KATZ: So again,  
8                    Mr. Mastro, where does that leave you  
9                    with these withdrawn depositions?

10                   MR. MASTRO: Well, the other  
11                   withdrawn depositions are Chevron  
12                   witnesses, so they are confirming that  
13                   they are withdrawing depositions. And  
14                   I want it understood that they can't  
15                   go back later and say just before  
16                   trial now we want to depose those  
17                   because we are calling all those  
18                   witnesses at trial. So they are  
19                   waiving the right to call those  
20                   witnesses period.

21                   MR. VESELKA: I do not agree  
22                   with that, but it would depend upon  
23                   the circumstances at the time and the  
24                   court's order. That is not an issue  
25                   to be decided here today. That is an



1                    Transcript of Proceedings  
2                    their position and you have gotten our  
3                    position, the Special Masters'  
4                    position.

5                    SPECIAL MASTER KATZ:    So with  
6                    the understanding that it now appears  
7                    from what I can see that we have the  
8                    two defendants to be deposed, Mr.  
9                    Reyes and if he shows up Mr. Zambrano,  
10                   correct?

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12                   be able to confirm something as soon  
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15                   will talk about that.    So am I correct  
16                   those are the only depositions people  
17                   intend to go forward with in Lima?

18                   MR. VESELKA:    That is my  
19                   understanding, yes, sir, on behalf of  
20                   Camacho and Payaguaje, yes, sir.

21                   MR. MASTRO:    Yes.    We cross  
22                   noticed the Zambrano deposition,  
23                   Zambrano being somebody who they put  
24                   in a declaration from, albeit one that  
25                   wasn't notarized foresworn in this